

Notice of Allowability	Application No.	Applicant(s)	
	09/813,824	VOGELSTEIN ET AL.	
	Examiner	Art Unit	
	James Martinell	1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12/8/05.
2. ☒ The allowed claim(s) is/are 14,20,21,42,43,47,48,52,56-58 and 60-64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>3/22/01</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2/13/06</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

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Authorization for this examiner's amendment was given in a telephone interview with Ms. Kagan on February 13, 2006.

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on February 13, 2006, Ms. Kagan requested an extension of time for 2 additional MONTH(S) and authorized the Director to charge Deposit Account No. 19-0733 the required fee of \$900.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Cancel claims 55 and 59.

In claim 56, change "55" to -42--.

In claim 60, change "59" to -47--.

Substitute the following paragraph for the first full paragraph on page 8 of the specification.

-- Figures 10A through 10D. Definition of a consensus binding site for p53. Figures 10A and 10B: The p53 binding site of twenty cloned human genomic DNA fragments determined by footprinting methods are displayed along the central axis of symmetry which separates the two 10bp consensus monomers (monomer sequence is shown in SEQ ID NO: 3). Nucleotides in capital letters represent identity of a genomic sequence to the consensus, whereas lower case letters identify disparity with the consensus.

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Sequences surrounding the consensus or separating the two 10 bp monomers are also shown in lower case. The sequences appear in Figure 10A in the following order:

1. SEQ ID NO: 4, nucleotides 1-25,
2. SEQ ID NO: 5, nucleotides 1-25,
3. SEQ ID NO: 6, nucleotides 1-26,
4. SEQ ID NO: 7, nucleotides 1-25,
5. SEQ ID NO: 8, nucleotides 1-26,
6. SEQ ID NO: 9, nucleotides 1-25,
7. SEQ ID NO: 10, nucleotides 1-25,
8. SEQ ID NO: 11, nucleotides 1-30,
9. SEQ ID NO: 12, nucleotides 1-37,
10. SEQ ID NO: 13, nucleotides 1-24,
11. SEQ ID NO: 14, nucleotides 1-24,
12. SEQ ID NO: 16, nucleotides 1-26,
13. SEQ ID NO: 15, nucleotides 1-26,
14. SEQ ID NO: 17, nucleotides 1-25,
15. SEQ ID NO: 18, nucleotides 1-36,
16. SEQ ID NO: 19, nucleotides 1-25,
17. SEQ ID NO: 20, nucleotides 1-25,
18. SEQ ID NO: 21, nucleotides 1-25,
19. SEQ ID NO: 22, nucleotides 1-25, and
20. SEQ ID NO: 23, nucleotides 1-25.

The sequences appear in Figure 10B in the following order:

- SEQ ID NO: 4, nucleotides 26-51,
- SEQ ID NO: 5, nucleotides 26-50,
- SEQ ID NO: 6, nucleotides 27-51,

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SEQ ID NO: 7, nucleotides 26-46,
SEQ ID NO: 8, nucleotides 27-51,
SEQ ID NO: 9, nucleotides 26-50,
SEQ ID NO: 10, nucleotides 26-39,
SEQ ID NO: 11, nucleotides 31-54,
SEQ ID NO: 12, nucleotides 38-62,
SEQ ID NO: 13, nucleotides 25-49,
SEQ ID NO: 14, nucleotides 25-49,
SEQ ID NO: 16, nucleotides 27-48,
SEQ ID NO: 15, nucleotides 27-51,
SEQ ID NO: 17, nucleotides 26-50,
SEQ ID NO: 18, nucleotides 37-61,
SEQ ID NO: 19, nucleotides 26-50,
SEQ ID NO: 20, nucleotides 26-50,
SEQ ID NO: 21, nucleotides 26-50,
SEQ ID NO: 22, nucleotides 26-50, and
SEQ ID NO: 23, nucleotides 26-50.

Synthetic oligonucleotides investigated for the ability to be bound by p53 are shown at the bottoms of Figures 10C and 10D. The sequences appear in Figure 10C in the following order:

1. SEQ ID NO: 24, nucleotides 1-10,
2. SEQ ID NO: 25, nucleotides 1-10,
3. SEQ ID NO: 26, nucleotides 1-10,
4. SEQ ID NO: 27, nucleotides 1-10,
5. SEQ ID NO: 28, nucleotides 1-10,
6. SEQ ID NO: 29, nucleotides 1-24,

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7. SEQ ID NO: 30, nucleotides 1-24,
8. SEQ ID NO: 31, nucleotides 1-24,
9. SEQ ID NO: 32, nucleotides 1-24, and
10. SEQ ID NO: 33, nucleotides 1-14.

The sequences appear in Figure 10D in the following order:

- SEQ ID NO: 25, nucleotides 11-20,
- SEQ ID NO: 27, nucleotides 11-20,
- SEQ ID NO: 28, nucleotides 11-20,
- SEQ ID NO: 29, nucleotides 25-49,
- SEQ ID NO: 30, nucleotides 25-49,
- SEQ ID NO: 31, nucleotides 25-49,
- SEQ ID NO: 32, nucleotides 25-39, and
- SEQ ID NO: 33, nucleotides 15-29.

Lower case letters represent vector-derived sequences. Combined nucleotide usage (%) within the two monomers of the consensus binding site is shown in the top portion of Figures 10C and 10D. --

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Martinell whose telephone number is (571) 272-0719.

The examiner works a flexible schedule and can be reached by phone and voice mail. Alternatively, a request for a return telephone call may be e-mailed to james.martinell@uspto.gov. Since e-mail communications may not be secure, it is suggested that information in such requests be limited to name, phone number, and the best time to return the call.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (571) 272-0745.

OFFICIAL FAX NUMBER

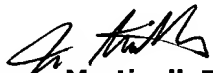
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The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any Official Communication to the USPTO should be faxed to this number.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.


James Martinell, Ph.D.
Primary Examiner
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2/13/09